



State of Rhode Island and Providence Plantations  
**Department of State | Office of the Secretary of State**  
 Nellie M. Gorbea, *Secretary of State*

**Rules and Regulations Filing Form**

**1. Agency Name and Address**

Administration, Department of, State Planning Council  
 One Capitol Hill, Providence RI 02908

**2. Title of Rule**

Rules and Standards of the State Planning Council

**3. Statutory Source of Authority**

RIGL section 42-11-10

**4. Concise Explanatory Statement - §42-35-2.6**

The amendments to revise the rules in order to 1) add a new rule to cover the Comprehensive Plan Review Process; 2) reflect an accumulation of changes to State law and/or Federal regulations; 3) reflect changes to agency organization and standards; and 4) eliminate unnecessary or outdated rules. As a result of comments received during the public hearing and comment period, the following revisions were made to the proposed rules and standards. The reason for the revisions was to clarify the policies and intent of the regulations. Rule 1.2 Definitions Conformance or Consistent - The words do not were deleted. A definition for State agency was added. Rule 1.10.3 Governing Rules The following sentence was added: The Council may designate any person to serve as the presiding official for a public hearing. Rule 1.10.4 Rules of Evidence The following sentence was deleted: The rules of civil procedure used in the Superior Court of Rhode Island may be followed, but the Chair shall not be bound to follow these rules when there are facts not susceptible of proof under the civil rules of procedure; provided, however, such facts are of a type commonly relied upon by reasonably prudent persons. Rule 2.7 Notification of New or Amended State Guide Plan Elements The following sentence was added: In addition to municipal notification, the Division shall notify all parties contained on the public notice mailing list established by Rule 1.10.1. Rule 3.2 Applicability Revised as follows: Staff of The Council shall approve and the Division of Planning shall maintain, and post to its website, a list of agencies and programs subject to this Rule. Staff shall notify the Council of any recommended changes to this list and the reason for such change. Rule 3.5 Review The phrase, each applicable provision of was deleted. Rule 5.5.4 TIP Standards and Documentation Airport improvements was deleted from the list.

**5. Type of Filing**

**Emergency Rules**

A1. Emergency 120-day initial - §42-35-2.10

- ☐ Adoption  
☐ Amendment of ERLID:  
☐ Repeal of ERLID:

A2. Emergency 60-day renewal - §42-35-2.10

- ☐ Adoption  
☐ Amendment  
☐ Repeal

Indicate ERLID of 120-day initial:

Brief Statement of Reason for Finding Imminent Peril §42-35-2.10:

**Final Rules**

☒ B1. Amendment - §42-35-3(a)

☐ B2. Adoption - §42-35-3(a)

☐ B3. Repeal - §42-35-3(a)

☐ C. Technical Revision

☐ D. Direct Final Rule - §42-35-2.11

Supersedes ERLID: 5205

If B1 or C, please indicate new, amended, deleted, or revised sections:

Rule I, II, III, V and IX is revised, amended and/or renumbered; Rule IV, VI, VII and VIII are deleted; The following new rule is added: Rule Four entitled Comprehensive Plan Review Process.

**6. Notice and Hearing Information**

Date of Public Notice - §42-35-2.8:10/21/2013

Date of Public Hearing - §42-35-2.8:11/21/2013

End of Comment Period - §42-35-2.8 :11/22/2013

**7. Agency Additional Information - Web Page**

<http://www.planning.ri.gov/council/planningcouncil/>

**8. Certification**

*I hereby certify that the attached rules and regulations were adopted in accordance with the Administrative Procedures Act (42-35) and that they are true copies of this Department, attest,*

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Notary Public

Subscribed and sworn before me

this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

ERLID#: 7537